

DELAWARE DEPARTMENT OF STATE
LIVABLE DELAWARE IMPLEMENTATION PLAN

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Submitted Pursuant to

Executive Order No. 14 by:

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I. Department Description/Summary of Livable Delaware Responsibilities

The Department of State is an extremely diverse agency with responsibilities in Arts, Historical & Cultural Affairs, Human Relations, Banking, Archives, Libraries, Veterans Affairs, Corporations, and e-Government. The mission of the Department of State is to strengthen Delaware's economy, generate revenue, enhance the quality of life of Delaware citizens, and to manage and promote access to public information.

The Department of State includes three agencies that have significant responsibilities related to land use and Livable Delaware:

The *Division of Libraries* plays a major role in directing library investment to existing communities and growth areas and could play a more significant role in developing incentives to encourage development in desired areas. Libraries are also a major outlet for sharing land use information with the general public.

The *Division of Historical and Cultural Affairs*, through the State Historic Preservation Office and State Museums and Conference Centers, plays a major role in protecting important farmlands, saving critical natural resource areas, and encouraging redevelopment in existing communities and desired areas.

The *Delaware Government Information Center* will provide a major outlet for Livable Delaware information. More importantly, many e-Government projects will empower Delawareans to transact State business without getting in their cars.

As much as possible, the Department of State strives to develop policies that provide incentives and/or educate the public about livability issues. The Department has limited regulatory powers to implement disincentives or restrictive policies. It is the belief of the Department that in the long run, “carrots” will be more effective than “sticks” at driving sound land use behavior.

II. List of Program Activities that Relate to Livable Delaware

A. Current Activities

Libraries

Delaware Public Library Construction Assistance Act (Title 29, Ch. 66A)

Delaware Public Library Standards Funds (Title 29, Ch. 66)

Historical and Cultural Affairs

National Historic Preservation Act

Federal Rehabilitation Tax Credit

Land and Historic Resources Tax Credit

Delaware State Historic Preservation Tax Credit

First State Preservation Revolving Fund

State Antiquities and Unmarked Human Remains Laws

Delaware State Museums and Conference Centers (Buena Vista & Belmont Hall)

B. Proposed New Responsibilities

Historical & Cultural Affairs

Help Create a Governor's Award for Excellence in Design and
Creative Redevelopment

Coordinate Design Assistance for Historic Towns and Districts

Help Develop Incentives for Redevelopment-friendly Building and Fire Codes

Encourage State Agencies to Locate in Historic Towns and Districts

e-Government

Fund Cost-Effective e-Government Projects that Reduce Trips to State Agencies

Create a "Virtual Livable Delaware Center"

III. Descriptions of Current Program Activities

A. Libraries

The Delaware Division of Libraries (DDL) and the State Council on Libraries (COL) establish library service areas for each of Delaware's 34 public libraries. These service areas then determine the level of State standards funding available (\$2.4 million in FY02) in the State's annual operating budget. DDL and COL also make recommendations to the Secretary of State regarding library construction funding (\$3.9 million in FY02) which represents a 50% match against local funding. Eligible libraries include county library systems, county operated libraries, and independent public libraries (some of which receive county funding). This funding ultimately influences where libraries are located as well as the types and quality of services provided.

A shortcoming in the current system is that funding goes directly to each individual library rather than to groups of libraries. This can lead to a lack of coordinated planning, duplicative services, and poorly rationalized siting decisions. Some coordination occurs especially among county-owned libraries -- but many of the State's 34 libraries are independent and more are being built. Also, while clearly libraries are an infrastructure expense that ought to be considered when assessing development impact fees, it is difficult to determine what that fee should be since independent libraries in Sussex have vastly different funding mechanisms than, say, county-owned libraries in New Castle County. All of these shortcomings lead to the conclusion that counties need to play a larger role in library planning.

B. Historical & Cultural Affairs

The Division of Historical & Cultural Affairs (HCA) plays a role in administering the following significant programs that support Livable Delaware goals:

1. National Historic Preservation Act -- This federal law is designed to coordinate and support public and private efforts to identify, evaluate, and protect historic and archaeological resources. Section 106 of the law requires Federal agencies to take into account the effects of their undertakings on historic properties and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. The Act creates a National Register of Historic Places. The Act creates a Historic Preservation Fund (HPF) to provide assistance to the states in carrying out their efforts to identify, protect and preserve properties listed in the National Register of Historic Places. In Delaware, the fund supports the operations of the State Historic Preservation Office (DESHPO). DESHPO uses the balance of the funds to provide sub-grants to local governments, preservation organizations, universities, state agencies and other eligible recipients for planning, public outreach/education, and threatened sites activities. Finally, the Act requires each State to develop a State Plan for Historic Preservation. The Delaware State Plan for Historic Preservation was prepared in 1996 (updated in 2000) in conformance with Shaping Delaware's Future goals and was endorsed by the Cabinet Committee on State Planning Initiatives.

2. Federal Rehabilitation Tax Credit -- This federal tax credit is intended to spur the rehabilitation of historic structures for purposes of preserving the historic places that give cities, towns and rural areas their special character. Income producing properties that are listed in the National Register of Historic Places are eligible to apply.

3. Land and Historic Resources Tax Credit -- This state tax credit is based on 40% of the appraised fair market value for permanent gifts of land, interest in land or historic property to public agencies and qualified non-profit organizations. The amount of credit that may be claimed by a taxpayer may not exceed \$50,000.

4. Delaware State Historic Preservation Tax Credit -- This state tax credit is for certified rehabilitation of income-producing properties, owner-occupied residential properties; and historic properties rehabilitated for affordable housing that are listed in the National Register of Historic Places, either individually or as contributing elements to historic districts.

5. First State Preservation Revolving Fund -- This fund provides for protection of significant historic resources through acquisition, low-interest loans, and a small grant fund. The fund was established with seed money from the State's Community Redevelopment Fund. Public funds were matched by private funds. The program is administered by Preservation Delaware under a Memorandum of Understanding between Preservation Delaware and HCA signed by representatives of these organizations and the Co-chairs of the Bond Bill Committee. Projects are approved by a Board that includes three State appointments.

6. State Antiquities Act and Unmarked Human Remains Law -- 7 **Delaware Code** Chapter 53 requires anyone performing archaeological excavation on state-owned or controlled land to apply in writing to the Governor (State Historic Preservation Officer is designee) for a permit. The law is intended to protect the buried remains of past cultural life or activities and prevent their loss or destruction through state actions. 7 **Delaware Code** Chapter 54 Subchapter II provides protection for unmarked human burials and human skeletal remains found anywhere within the State during ground disturbing activities. The law requires all ground disturbing activities to cease when human remains are discovered until provisions of the law are met. Development often occurs in former agricultural lands, woodlands and other open spaces that can be the sites of unmarked family burial plots or Native American burial places. Developers are encouraged to take this into account when planning land development projects.

7. Delaware State Museums and Conference Centers -- HCA operates 7 museums, 2 conference centers, the State Visitor Center in Dover and numerous other historical properties and lands throughout the State. Museum sites interpret multiple aspects of Delaware's governmental, political, social and cultural heritage. The Visitor Center assists tourists, newcomers, and citizens by providing information on local and statewide attractions as well as maps and printed material. Through its conference centers and other holdings, HCA preserves significant State sites many of which are located on major tracts of open space or farmland (e.g., Dickinson Plantation, Buena Vista) or in downtown urban historic settings (e.g. Dover and New Castle). DSM administers programs for school children and training for teachers using State Museum facilities fostering an appreciation for Delaware's heritage and a desire to preserve it.

IV. Prioritized Legislative Agenda, Timeframe and Budget Implications

A. Libraries

1. Consider Developing State Library Impact Fees – Pursuant to House Bill 235, the State is currently in the process of seeking to develop impact fees. If these initial efforts are deemed a success, it may later make sense to expand on House Bill 235 by adding "State provided Library Services" to the list of State Public Facilities for which the Governor's Advisory Council on Planning Coordination can recommend graduated impact fees to support delivery of library services and library development for businesses and residents that choose to locate in Environmentally Sensitive Developing Areas, Secondary Developing Areas, and Rural Areas. This would potentially enable the State to recover its share of costs associated with the State portion of library infrastructure costs related to serving

non-growth areas. HB 235 already enables Counties to recoup their portion of library construction costs through impact fees.

2. *Require County Library Plans and Link Construction Funding to County Library Plans* – Develop proposed amendments to the Quality of Life Acts and seek County and local support for legislation to require a mandatory library element be included in each county comprehensive plan. The library element (similar to other elements) would be developed in consultation with and reviewed by the Delaware Division of Libraries. The library plan would require an intra-county library coordination element demonstrating coordination among county-owned and non-county owned libraries. Also, amend the Delaware Public Library Construction Assistance Act to

- a) Increase the availability of matching grants for library technology related projects that enable small branch libraries to access collections of large regional libraries at a lower cost than the cost of adding more bricks and mortar to these small libraries.
- b) Increase the 50% matching grant available for projects included in the county comprehensive plans, and
- c) Eliminate 50% matching grants for construction projects that are not included in the county comprehensive plans.

Timeframe and Budget Implications -- Introduce legislation in either the 2002 or 2003 session after receiving buy-in from county leaders and leaders of independent libraries. There is no additional State operating costs associated with this legislation. Capital costs, as always, will depend upon funding requests made by the libraries -- much as it is today. There are possible county costs associated with preparing plans and integrating them with independent library plans.

B. *Historical and Cultural Affairs*

1. *Help Develop Incentives for Redevelopment-friendly Building and Fire Codes* -- Older buildings in existing cities and towns are decaying from neglect, abandonment, unfavorable zoning, and other causes. Other states have adopted flexible codes for older buildings to encourage their rehabilitation or conversion for new uses. Delaware codes are not state regulated, but the state could research other state models and develop legislation, financial incentives, or perhaps administrative procedures encouraging municipalities to adopt more flexible building and fire codes. This effort should be led by the Infill and Redevelopment Subcommittee of the Livable Delaware Advisory Council with representation from the Division of Historical and Cultural Affairs.

Timeframe and Budget Implications – Work is already underway with participation from the Office of State Planning, developers, municipal planners, and representatives from the State Fire Marshall and HCA. Timing of legislation (if any) would be either 2002 or 2003. State costs are likely to be minimal and the potential benefits to developers in existing communities are significant.

2. *Coordinate Design Assistance for Historic Towns & Districts* -- Develop a volunteer or grant program, in partnership with Office of State Planning, Preservation Delaware, County preservation planning staff, municipalities that have preservation ordinances, and Delaware Chapters of AIA and ASLA. The program would provide some form of limited architectural or landscape architectural services to communities for free or for a low cost. The program would provide advice to property owners and municipal officials where there are community design or historic preservation ordinances as part of their comprehensive plans or development codes.

Timeframe and Budget Implications – Some funding may be available under the Livable Delaware Fund for towns without their own planners. For other towns, timing depends entirely on whether it requires funding or whether a sufficient number of volunteers are available. Such a program can probably be organized within 1 year.

V. Prioritized Administrative Changes, Timeframe and Budget Implications

A. Libraries

1. *Strengthen Public Library Construction Review Process* -- The Delaware Division of Libraries (DDL) and the Council on Libraries (COL) are developing plans to recommend standards for public library facilities and locations.

DDL and COL are developing guidelines for location of new library facilities incorporating Delaware strategy maps to serve as a guide to individual state agencies as they make investment and resource management decisions. Criteria for review and prioritizing of projects to renovate existing library buildings will be developed. DDL and COL will further develop the Delaware library construction review and consultation process to encourage green building practices applicable to public buildings.

DDL will evaluate the effectiveness of the Appoquinimink Community Library and analyze the Department of Education's Livable Delaware Plan. DDL will use the findings and recommendations as input in assessing the need, development, and placement of new library facilities throughout the state. DDL and COL will also encourage local governments to integrate libraries into the community planning

infrastructure, recommending that libraries be strategically located to foster community identity and vitality.

Timeframe and Budget Implications -- 6 months and ready for use in the FY 2004 capital budget process. There are no additional State costs associated with these administrative actions.

3. *Direct Public Libraries Standards Funding to Urban and Growth Areas*--

DDL and COL will consider elimination of the current 34 library service areas and possible consolidation of these areas into 3 or 4 -- one for each County and possibly the City of Wilmington. Under such a system, funding would be provided to the Counties for distribution to independent and county-owned libraries within each County. Such a system will promote coordination of library and land use planning efforts.

DDL and COL will develop guidelines for funding of different levels of libraries (e.g. Existing Community Libraries, Growth Libraries, etc.) -- encouraging counties to use these guidelines in distributing State standards funds. These levels of libraries will enable enhancement of library services within existing communities and targeted growth areas. Enhanced libraries could serve as a magnet for the public to locate within designated growth areas. DDL and COL will support maintenance of basic library services such as technology connections and bookmobiles in Secondary Developing and Rural areas.

DDL will continue to encourage resource sharing and economy of scale opportunities across governing authorities identified through the BASE State Standards and the Technology Planning processes.

Timeframe and Budget Implications -- 1-2 years depending upon the time involved in getting buy-in from county officials and independent libraries. There are no additional State costs associated with these administrative actions. However, as with any reallocation of resources, implementation of these changes will be more readily accepted if it were possible to maintain a consistent level of funding for those libraries that may be categorized as Developing or Rural Libraries while providing higher funding for libraries in urban and high growth centers.

B. *Historical and Cultural Affairs*

1. *Help Develop Governor's Award for Excellence in Design and Creative Redevelopment* -- Through the Shaping Delaware's Future process, the State has tried to encourage not only redevelopment and revitalization in existing communities, but redevelopment that is appropriate and effective. Good design is an important element of redevelopment and infill development. Good design

includes taking into account the character and setting of the existing community, among other attributes. In 1996, the Subcommittee on Redevelopment and Infill of the Advisory Panel on Intergovernmental Planning recommended creation of such an award. This initiative should be led by the Office of State Planning and include all the community design aspects of Livable Delaware.

Timeframe and Budget Implications -- The award could be established by Executive Order and a line item included in budget epilogue language in FY03 or FY04.

2. Encourage State Agencies to Locate in Historic Towns and Districts – The Division of Historical and Cultural Affairs will work with the Department of Administrative Services, Preservation Delaware and others to identify available sites within existing historic communities and buildings and to develop programs and guidelines that encourage state offices to locate at these sites.

Timeframe and Budget Implications – Work can begin immediately.

C. e-Government

1. Fund e-Government Projects that Reduce Trips to State Agencies -- Governor Minner has stated that e-Government projects should improve service, reduce lines, and remove bureaucratic barriers. Governor Minner's Executive Order No. 9 requires the identification of funding sources for e-Government and the development of funding standards. One of the key funding criteria that should be established by the Technology Investment Council is the ability of a project to reduce the need for citizens to travel to State agencies. This should be a particular priority in those agencies that see a lot of customers in person (e.g., the Division of Motor Vehicles, Division of Revenue, Family Court, etc.). An alternative to making "trip reduction" a funding criteria (since many e-Government projects will not be able to claim such a benefit), would be to set aside a portion of whatever funds are ultimately appropriated for e-Government to go exclusively to projects aimed at trip reduction.

Timeline and Budget Implications -- The Department is hopeful that regular funding and, perhaps, dedicated funding for e-Government will be made available in each of the next several years. The Budget Office and the Delaware Government Information Center are already in the process of developing funding criteria for the Technology Investment Council to consider once the Council is approved by the General Assembly.

2. Create a "Livable Delaware Center" – Currently, there is a Livable Delaware site maintained on the Governor's website that is, and should remain, the lead site

for Livable Delaware information. As more and more state, county and not-for-profit agencies begin to develop and implement aspects of the Governor's Livable Delaware agenda, we would like to work with the State Planning Office and the Governor's Office to ensure that all relevant information available on the Internet is linked together in one location. We would propose developing a very simple "center" similar to the Virtual Tax Center on Delaware.gov that links citizens to key federal, state, county and municipal web pages that contain information relevant to Livable Delaware. Eventually, we could convene focus groups to develop "intentions-based" sites that meet the specific needs of community planners, developers, environmentalists, business people, civic leaders, etc.

Timeline and Budget Implications -- We will seek to develop this site in coordination with the Office of State Planning on a time schedule of their choosing. There are no added costs associated with this proposal.

VI. Identify how Capital/Budget Planning Will be Used

The recommendations outlined in this report require no changes to the current capital and budget planning process.

VII. Summary of Intra- and Inter-Governmental Implications

A. Libraries

Successful implementation of the library proposals will demand improved coordination and cooperation among the Counties, their planning agencies, the State Planning Office, the county library systems and the independent libraries within those systems, and the Delaware Division of Libraries. Such improved collaboration will result in better and more cost effective library services being delivered to citizens across the State.

B. Historical and Cultural Affairs

Implementation of the historic preservation proposals will demand continuation of existing coordination among the Counties, municipalities, planning agencies, the State Planning Office, leaders of historic organizations, the Division of Historical and Cultural Affairs, other state agencies (DNREC, DelDOT, etc.) and the development community.

C. e-Government

Implementation of the e-Government proposals will demand an expansion of existing relationships with other state and local agencies and the development of

new relationships with interested civic leaders and members of the development community.

VIII. Summary of e-Government Applications (if any)

As described above, the Delaware Government Information Center within the Office of the Secretary of State will work with the Technology Investment Council to identify and help develop e-Government projects designed to achieve significant trip reductions, thereby, reducing congestion on our roads.

The Department of State itself has several user-friendly websites that maximize opportunities to conduct business via the Internet (see Corporations, Bank Commissioner, Archives) and eliminate the need to physically visit government offices. The Department recently reviewed each of its Division's websites and plans to redesign certain services to help further reduce the need for citizens to travel to State offices.